THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21511 of 2005

04.10.2005

Between:

M.Mohana Rao, S/o.late Chinnappala Swamy, Sarpanch

Ananthagiri Gram Panchayat, Vajrapukotturu Mandal,

Srikakulam District.

… Petitioner

AND

1. The District Panchayat Officer, Srikakulam

and another.

… Respondents

ORDER:

The petitioner is Sarpanch of Ananthagiri Gram Panchayat in Vajrapukotturu Mandal of Srikakulam District. The second respondent herein issued a show cause notice on 18.12.2004 calling upon the petitioner to explain as to why his cheque drawing powers should not be suspended. The petitioner could not produce the records and submit explanation allegedly for the reason that his wife was ill. Therefore by order dated 28.7.2005, the second respondent, pending further enquiry, suspended the cheque drawing powers of the petitioner in exercise of the powers under the second proviso to sub-rule (1) of Rule 42 of the Rules issued in G.O.Ms.No.30, dated 20.1.1995 (the Rules, for short). This order is assailed in the present writ petition.

Sub-rule (2) of Rule 42 of the Rules provides for an appeal to the District Collector against the order passed by the second respondent under sub-rule (1) of Rule 42 of the Rules. Even where the District Panchayat Officer passed an interim direction ordaining the Sarpanch not to draw any moneys from Gram Panchayat, such order is appealable order under Rule 42(2) of the Rules. The petitioner is given liberty to approach the District Collector and file appeal within a period of two weeks from today, whereupon the District Collector may consider the appeal and pass appropriate orders within a period of four weeks thereafter.

The writ petition, with the above observations, is dismissed. No costs.

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October 04, 2005. (**V.V.S.RAO,J**)

NOTE:

Issue order copy in

Two days.

(B/o)

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